

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

GANIYU AYINLA JAIYEOLA,)	
)	
Plaintiff,)	
)	
v.)	Civ. Action No. 22-1030-CFC
)	
CHEMOURS COMPANY,)	
)	
Defendant.)	

MEMORANDUM

I. INTRODUCTION

Plaintiff commenced this action on February 15, 2022 in the United States District Court for the Western District of Michigan. (D.I. 1) Plaintiff appears *pro se*. On June 24, 2022 an order was entered that granted Defendant's motion for leave to file a reply brief and the brief was filed the same day. (D.I. 15, 16) Plaintiff moves for reconsideration of the order. (D.I. 17) Plaintiff's motion is actually a sur-reply to Defendant's reply brief.

II. DISCUSSION

The standard for obtaining relief under Rule 59(e) is difficult for Plaintiff to meet. The purpose of a motion for reconsideration is to "correct manifest errors of law or fact or to present newly discovered evidence." *Max's Seafood Café ex*

rel. Lou-Ann, Inc. v. Quinteros, 176 F.3d 669, 677 (3d Cir. 1999). “A proper Rule 59(e) motion . . . must rely on one of three grounds: (1) an intervening change in controlling law; (2) the availability of new evidence; or (3) the need to correct a clear error of law or fact or to prevent manifest injustice.” *Lazaridis v. Wehmer*, 591 F.3d 666, 669 (3d Cir. 2010) (citing *N. River Ins. Co. v. CIGNA Reinsurance Co.*, 52 F.3d 1194, 1218 (3d Cir. 1995)). A motion for reconsideration is not properly grounded on a request that a court rethink a decision already made. *See Glendon Energy Co. v. Borough of Glendon*, 836 F. Supp. 1109, 1122 (E.D. Pa. 1993). Motions for reargument or reconsideration may not be used “as a means to argue new facts or issues that inexcusably were not presented to the court in the matter previously decided.” *Brambles USA, Inc. v. Blocker*, 735 F. Supp. 1239, 1240 (D. Del. 1990). Reargument, however, may be appropriate where “the Court has patently misunderstood a party, or has made a decision outside the adversarial issues presented to the court by the parties, or has made an error not of reasoning but of apprehension.” *Brambles USA*, 735 F. Supp. at 1241 (D. Del. 1990) (citations omitted); *See also* D. Del. LR 7.1.5.

The real issue concerns Defendant’s motion to transfer the case to this district. (*See* D.I. 7) Defendant’s motion to change venue was granted on August 4, 2022, and the case was transferred to this district. (D.I. 20, 21) Upon

review of this matter, the Court concludes that Plaintiff has failed to demonstrate any of the necessary grounds to warrant a reconsideration. This Court further notes that Plaintiff has filed a motion to transfer this matter to the United States District Court for the Eastern District for Wisconsin. (*See* D.I. 24)

III. CONCLUSION

For the above reasons, the Court will deny Plaintiff's motion. (D.I. 17)

An appropriate order will be entered.



Chief Judge

December 7, 2022
Wilmington, Delaware